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8 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
9 TACOMA DIVISION

10 ROBERT DARRELL KING,

11 Plaintiff,

12 vs.

13 COMMISSIONER OF SOCIAL SECURITY,

14 Defendant.

Civil No. C19-5476 RSM

ORDER

15 Based on the stipulated motion of the parties, it is ORDERED that the above-captioned
16 case be reversed and remanded to the Commissioner of Social Security for further administrative
17 proceedings with respect to Plaintiff's application for disability insurance benefits under Title II
18 of the Social Security Act ("Act"). 42 U.S.C. §§ 401-34. Upon remand, the Appeals Council
19 will vacate the Appeals Council's dismissal of Plaintiff's request for review, treat the matter as if
20 timely filed, ensure all documents submitted by the representative, including but not limited to
21 representative briefs, are scanned and entered into the electronic folder, and reconsider Plaintiff's
22 request for review of the Administrative Law Judge's decision. The constructive filing date of
23 Plaintiff's request for review under 20 CFR §404.967 at the Appeals Council will remain the
24 date of the original appeal, and the Appeals Council will expedite its reconsideration of the

1 Plaintiff's request for review. The parties stipulate that this remand be made pursuant to sentence
2 four of 42 U.S.C. § 405(g).

3 The parties further stipulate that Plaintiff is the prevailing party for the purpose of
4 submitting a petition for EAJA fees and costs.

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6 DATED this 21st day of November 2019.

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8 RICARDO S. MARTINEZ
9 CHIEF UNITED STATES DISTRICT JUDGE

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13 Presented by:

14 s/ Summer Stinson
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20 By: phone and email authorization to sign s/Michael P. Gilbert
21 Michael P. Gilbert, appearing Pro Hac Vice for Plaintiff
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